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09/181,658	10/29/1998	PATRICK SAVAGE	CITI0113	1156
27510	7590	05/26/2005	EXAMINER	
KILPATRICK STOCKTON LLP 607 14TH STREET, N.W. WASHINGTON, DC 20005			BELL, PAUL A	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/181,658

Applicant(s)

SAVAGE ET AL.

Examiner

PAUL A BELL

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/4/2003 Appeal Brief.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,4-6 and 9-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-6, and 9-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. PROSECUTION IS HEREBY REOPENED and the finality of the 10/10/2001 office action is withdrawn. The Technology Center (TC) Director has given authorization to reopen prosecution under 37 CFR 1.198 for the purpose of entering a new grounds of rejection. SEE MPEP 1214.04 , MPEP 1214.07 and MPEP 1002.02 (c).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4, 9-16, 38-41, 50-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saville ("Defining: CONVERGENT BILLING & CUSTOMER CARE", A Telecommunications Industry White Paper, Spring 1997) in view of Steven Martin "CHECKFREE-INTEGRION TEAM TO ABSORB VISA'S ePay" , Bank Technology News. New York: Aug 1998. Vol 35, Iss. 8; p 22 (page 1).

With regard to claims 1 and 50 Saville discloses a method and a system of combined billing for at least one customer on a plurality of customer accounts (SEE Saville page 1, line 13, "the benefits of convergent billing—a single consolidated bill"), comprising: receiving account data for the plurality of customer accounts electronically from time-to-time by a service provider from each of a plurality of billers (SEE Saville page 1, lines 19-20, "capturing customer generated events"), automatically calculating account charges for the plurality of customer accounts from the account data (SEE

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Saville page 1, line 20, "calculating the bills") aggregating the account charges for at least one customer on the plurality of customer accounts (SEE Saville page 3, lines 13-17, "provide a system for combined power, light and telephone services..."), automatically formatting a combined bill for the customer from the aggregated account charges, and automatically rendering the combined bill to the customer (SEE Saville page 1, line 21, "providing integrated customer care" and SEE page 2, lines 9-11, "These service providers want to offer their customers full view of all their telecommunications services" and page 2, lines 39-41, " The billing should be integrated, not just electronically "stapled" to the bill"), wherein at least one of the plurality of accounts is a recurring bill account and wherein the customer continues to purchase products or services from at least one of the billers (obvious feature because if you continue to live in the same location the user will get recurring bills from the utilities such as telephone and electric) after the service provider acquires ownership of the receivables associated with the account data received (this feature is addressed below).

With further regard to claims 1 and 50 Saville does not directly teach; "acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data". The Saville system instead was silent with regards to this feature so therefore it appears to do it the traditional way which was to make the customer the one liable for the receivables (or debt) directly to each of the billers so henceforth the service provider is not providing the billers any kind of guaranteed funds, and the customer continues to

be the one responsible to each of the billers. It is obvious that the billers would have viewed it as a positive thing for them to quickly transfer ownership of the receivables (or debt) to the Service Provider and let them be the one who collects from the customer over time.

Steven Martin discloses; "CheckFree will use ePay's direct debit and settlement features to offer guaranteed good funds and next-day settlement to billers and consumers. Visa's joint venture with CheckFree enables Visa to combine its core strengths in the electronic payments realm with the resources of the leading electronic bill payments provider." And "CheckFree should do what it does best, which is remittance processing, and Visa should do what it does best, which is guaranteed debit and settlement." And "Kight declined to comment on whether CheckFree was pursuing a similar agreement with MasterCard."

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Seville method to perform the additional step of; "acquiring ownership of receivables represented by the account data by the service provider under contractual arrangements with the plurality of billers upon receipt of the account data" as taught by Steven Martin because to do so would have quickly freed up working capital and would have helped the billers with their cash flow.

With regard to claim 4 the combination of Saville and Martin discloses the method of claim 1, wherein the account charge is calculated by a computer application (See Saville page 3, lines 21-22, software is available for IBM AS/400).

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With regard to claim 9 the combination of Saville and Martin discloses the method of claim 1, wherein one of the plurality of customer accounts comprises at least one selected from the group of a recurring bill account, a retail account, a communications account, and a financial account (SEE Saville pages 9-15).

With regard to claim 10 the combination of Saville and Martin discloses the method of claim 9, wherein the recurring bill account comprises at least one selected from the group of an electric account, a gas account, a cable account, a home security account, and a water account (SEE Saville page 3, line 15).

With regard to claim 11 the combination of Saville and Martin discloses the method of claim 9, wherein the retail account comprises at least a credit card account (SEE Saville page 4, line 39 "Retail vendors").

With regard to claim 12 the combination of Saville and Martin discloses the method of claim 9, wherein the communications account comprises at least one selected from the group of a long distance account, a local account, a wireless account, and an Internet access account (SEE Saville page 3, lines 18-19).

With regard to claim 13 the combination of Saville and Martin discloses the method of claim 9, wherein the financial account comprises at least one selected from the group of an insurance account, an investments account, an auto account, a bank statement account, an installment account, and a mortgage account (SEE Saville page 4, line 38).

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With regard to claim 14 the combination of Saville and Martin discloses the method of claim 9, wherein the cable services include pay television services (SEE Saville page 3, line 19).

With regard to claim 15 the combination of Saville and Martin discloses the method of claim 1, further comprising automatically formatting the account charges (SEE Saville page 3, lines 21-22, "...AS/400...").

With regard to claim 16 the combination of Saville and Martin discloses the method of claim 15, further comprising transmitting the formatted account charges to a bill aggregator (SEE Saville page 4, line 10, " transmitted....")

With regard to claim 38 the combination of Saville and Martin discloses the method of claim 1, wherein rendering comprises automatically storing the formatted bill for the customer in a storage location (SEE Saville page 4, lines 13-15, ".....immediately stored...").

With regard to claim 39 and 51-53 the combination of Saville and Martin discloses the method of claim 38, wherein the storage location, the aggregating means, the formatting means and the rendering means comprises a server (SEE Saville page 3, line 22, "...UNIX open system environments.." is a system architecture that uses servers)

With regard to claim 40 the combination of Saville and Martin discloses the method of claim 38, further comprising transmitting the formatted bill from the storage location to a terminal (SEE Saville page 4, lines 10-12 the "end service provider" has access to data through a terminal).

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With regard to claim 41 the combination of Saville and Martin discloses the method of claim 40, further comprising displaying the formatted bill at the terminal by the customer (SEE Saville page 4, lines 10-12 the "end service provider" has access to data through a terminal).

With regard to claims 54 and 55 most of the limitations were already addressed above with regard to claims 1 and 50. In addition the combination of Saville and Martin teaches; entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a service provider electronically (SEE Saville page 1, line 18, "electronic interfaces that in turn capture customers requests"), receiving the account data electronically from time-to-time during a billing cycle by the service provider from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the service provider (SEE Saville page 1, lines 19-20, "capturing customer-generated events"), storing the account data at a customer level in a computer database of the service provider (SEE Seville page 1, line 17), automatically generating a combined bill for the customer from the aggregated account charges at a pre-determined cycle time for the customer's account (SEE Saville page 3, lines 13-17 "Combined power, light and telephone services" and wherein a utility pre-determined cycle time is usually 1 month) automatically rendering the combined bill to the customer as a debt of the customer to the service provider as owner of the receivable represented by the combined bill (SEE Martin page 1 wherein ePay has next-day settlement to billers whereby the debt of the customer is now transferred to Checkfree).

With regard to claims 56 and 57 most of the limitations were already addressed above with regard to claims 1, 50, 54 and 55. In addition with further regard to claims 56 and 57 the combination of Saville and Martin teaches a method and system of combined billing for at least one customer on a plurality of customer accounts by a financial institution, comprising: entering contractual arrangements with a plurality of billers to have their account data for the plurality of customer accounts delivered to a financial institution electronically (SEE Saville page 1, line 18, "electronic interfaces that in turn capture customers requests" also SEE Martin Checkfree is broadly considered a "financial institution"), periodically receiving the account data electronically during a billing cycle by the financial institution from each of the billers, each reading out transactions one at a time to an accounts receivable computer system of the financial institution (SEE Saville; page 4, lines 14 and 15 "...the customer's bill cycle..." and SEE page 1, lines 19-20), storing the account data at a customer level in a computer database of the financial institution (SEE Saville page 1, line 17 "business systems based on relational databases").

4. Claims 5, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Saville and Martin as applied to claims 1, 4 above, and further in view of; "ECTC ENTERS WHOLESALE BILL PRESENTMENT ARENA", Retail Delivery News. Potomac: Oct 28, 1998 Vol. 3, iss 21; p. 1 .

With regard to claims 5 and 6 the combination of Saville and Martin does not specifically disclose the method of claim 4, wherein the computer application comprises a financial institution application, wherein the financial institution comprises a bank.

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"ECTC ENTERS WHOLESALE BILL PRESENTMENT ARENA", Retail

Delivery News. Potomac: Oct 28, 1998 Vol. 3, iss 21; p. 1 teaches; "a new alliance between three unnamed banks, plans to offer bill presentment for wholesale remittance billers, a field dominated by non-bank-owned entities like Checkfree (CKFR)." And "The byproduct of the formation could be a real-time payment system with guaranteed funds" and "The proposed consortium could work with Integrion or CheckFree for the remittance processing piece of bill payment".

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Saville and Martin method to have an additional feature of; "wherein the computer application comprises a financial institution application, wherein the financial institution comprises a bank" as taught by Steven ECTC because the bank performs the same function as Visas ePay but can do it in real-time instead of next-day as stated by Martin and in addition One would have been motivated to use computer applications of a financial institution, such as a bank, in order to facilitate the system implementation.

5. Claims 17-37, 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Saville and Martin as applied to claim 1, above, and further in view of Smorodinsky (U. S. 6,049,786).

With regard to claims 17 and 18 the combination of Saville and Martin does not directly disclose the method of claim 1, "wherein the account data comprises usage data and further comprising automatically calculating a usage charge from the usage data".

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Smorodinsky discloses such a step (SEE Smorodinsky column 4, lines 7-9).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use account data automatically calculating a usage charge from the usage data in the Saville/Martin invention because one would have been motivated to include such steps in order to increase the revenue of the system.

With regard to claim 19-22 the combination of Saville /Martin/Smorodinsky discloses the method of claim 18, wherein the usage charge is calculated according to a predefined usage pricing schedule, further comprising automatically calculating a tax associated with the usage charge, wherein the tax is calculated according to a predefined usage charge tax, further comprising automatically calculating the account charge from the usage charge and the associated tax (SEE Saville page 6, lines 3-5 and also SEE Smorodinsky figure 2B item 14 e).

With regard to claims 23 and 24 the combination of Saville and Martin does not directly disclose the method of claim 1, further comprising automatically validating the account data, wherein validating comprises automatically comparing the account data with predefined account data parameters. Smorodinsky discloses such steps (SEE Smorodinsky figure 8, "compare payments received with payments to be received"). Therefore, it would have been obvious to one having ordinary skill in the art the time the invention was made to automatically validate the account data, wherein validating comprise automatically comparing the account data with predefined account data parameters and the account charges with predefined account parameters, because one

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would have been motivated to use those steps in order to increase the system accuracy.

With regard to claim 25 the combination of Saville/ Martin/Smorodinsky discloses the method of claim 24, wherein validating further comprises automatically rejecting account data that falls outside the predefined account data parameters (SEE Smorodinsky figure 8 "confirm or reject" one would have been motivated to use such steps in order to increase the accuracy of the validation step).

With regard to claims 26, 29, and 36 the combination of Saville and Martin does not specifically disclose wherein discloses the method of claim 1, wherein aggregating further comprises automatically validating the account charges, and assembling the account charges and validating the aggregated account charges. Smorodinsky discloses such a step (SEE Smorodinsky figure 7, item 15 "Request/Response to Verify Biller's Account"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically validate and assemble the account charges, because one would have been motivated to automatically validate and assemble the account charges in order to minimize the data processing cost.

With regard to claims 27 and 28 the combination of Saville / Martin / Smorodinsky was found above in claims 23, 24 and 25 to read on these features.

With regard to claims 30 and 31 the combination of Saville / Martin / Smorodinsky does not specifically disclose the method of claim 29, wherein at least one of the account charges relates to a credit card account, and wherein assembling comprises automatically calculating at least one selected from the group of a fee and a

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finance charge associated with the credit card account charge and wherein assembling further comprises automatically calculating a credit card account payment due amount from the credit card account charge and at least one selected from the group of the fee and the finance charge . Official notice is taken that those steps are well known within the art and were in use in the credit card industry at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use those steps, because one would have been motivated to include those steps in order to saving time and cost in the data processing.

With regard to claim 32-35 the combination of Saville /Martin/ Smorodinsky discloses the method of claim 29, wherein assembling further comprises automatically calculating a discount associated with the assembled account charges, wherein the discount is calculated according to a predefined discount schedule and wherein assembling further comprises automatically calculating a rebate amount associated with the assembled account charges and a reward amount associated with the assembled account charges (SEE Saville page 2, lines 38-43 "...and discounting...").

With regard to claim 37 the combination of Saville and Martin does not disclose the method of claim 1, wherein the formatted bill comprises an electronic mail message. However Smorodinsky discloses such a step (Column 2, lines 34-37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the bill electronically in the combination of Saville/Martin, because one would have been motivated to transmit the bill electronically in order to increase the speed and efficiency of the billing method.

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With regard to claim 42-48 the combination of Saville /Martin/Smorodinsky does not specifically disclose transmitting, processing, or adjusting an inquiry, request, or order of the customer regarding at least one of a customer accounts or a recurring bill account. Official notice is taken that those steps are well known within the art and were in use in the billing services at time the invention was made. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use those steps, because one would have been motivated to include those steps in order to increase the service quality.

With regard to claim 49 the combination of Saville and Martin do not specifically disclose the customer paying the bill. Smorodinsky discloses such a step in figure 8, 53c. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the customer paying the bill in the Saville/Martin invention, because one would have been motivated to include such a step in order to optimize the service quality through the integration of the payment procedure.

Response to Arguments

6. Applicant's arguments with respect to claims 1, 50, 54, 55, 56 and 57 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered very pertinent to applicant's disclosure.

Fraser (5,835,580) , "METHOD AND APPARATUS FOR AUTOMATED PROVISIONING AND BILLING OF COMMUNICATION SERVICES" teaches in column 2, lines 45-55; "Credit card billing system 12 is a conventional system. It typically is an enterprise connected to network 100 that is accessed by merchants who wish the enterprise to assume a debt of the merchant's customer. The assumption of debt is made, typically, by the enterprise communicating to the merchant (through network 100) an authorization to extend credit to the customer. Vendor 11 may be such a merchant, perhaps one who sells to customers (e.g., 10) telecommunication equipment such as network interface units 16 and 13." Also see column 4, lines 40-44; At whatever rate desired, the billing information is communicated to credit card billing system 12 (step 205 in FIG. 2) and, in turn, billing system 12 pays the carrier, bills the customer, and collects payment from the customer.

Hilt et al. (5,920,847), "ELECTRONIC BILL PAY SYSTEM" teaches in abstract; "If the consumer's bank agrees to send non-reversible payment messages, the consumer's bank does not submit the transaction until funds are good unless the consumer's bank is willing to take the risk of loss if funds are not good, in the case of a guaranteed payment network".

Brendzel (5,950,174), "AFFILIATION ARRANGEMENT FOR BILLING", teaches in column 1, lines 15-29, "An improved system is realized with an arrangement which takes advantage of affiliations that allow concentration of billing. Specifically, in situations where a party is willing to serve as a financial surrogate for some subscribers of a services provider, savings can be realized by sending the bills for charges accrued

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by those subscribers ("affiliated subscribers") directly to such a surrogate. The surrogate pays the bills of the affiliated subscribers and may make its own arrangement with the affiliated subscribers to be appropriately compensated. The savings realized by avoiding the billing and collection processes for multiple subscribers can be passed on to the affiliated subscribers and/or to the party that serves as the financial surrogate.

Watson (5,978,780), "INTEGRATED BILL CONSOLIDATION, PAYMENT AGGREGATION, AND SETTLEMENT SYSTEM", teaches in abstract; "The system acts as a settlements exchange for the execution of payments between households or small businesses and the service establishments (principally utilities, financial institutions, telecoms, and others) that serve them".

Hanagan et al. (US 2004/0133487), "MODULAR, CONVERGENT CUSTOMER CARE AND BILLING SYSTEM", teaches in SECTION [0051], "A single bill can be created which depicts all charges for these services, including cross-service discounting. The key here is that the bill is truly converged, not simply produced by consolidating the output of multiple systems (also known as "consolidated billing" or "electronic stapling")"

Frank Ceme, "CHECKFREE, VISA LAUNCH PAYMENT SERVICE" Bank Technology News. New York: Jul 1998. Vol 11, Iss. 7; p. 1, (3 pages) teaches; "Hodges believes that ePay's ability to provide guaranteed funds will boost merchants acceptance of electronic payments"."

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Danialle Weaver, "On-line billing pushes the envelope(s) into cyberspace Electrical World. New York: July 1998.Vol. 212, Iss. 7; pg. 22 teaches; "Customers can also charge their utility bills to their credit cards. Lisa Brzezicki vice president of industry acceptance for MasterCard International, Purchase, NY, says her company will knock 30% off its usual interchange fee for utilities that agree to accept its card for bill payments on a recurring basis. MasterCard interchange fee typically ranges from 2 to 6% of the transaction value"

"NOVAZEN ANNOUNCES AVAILABILITY OF CONSOLIDATED BILLING AND ELECTRONIC BILL PRESENTMENT SOFTWARE PRODUCTS", BUSINESS Editors & Technology Writers. Business Wire. New York: August 10, 1998. p. 1 teaches "software modules that enable corporate customers to consolidate bills from multiple products and services and present a single customized bill via the internet." And "Novazen's consolidated billing software allows corporate bill presenters to consolidate complex service accounts and billing information into one statement. It reduces bills into a single, customer-defined statement regardless of how many different sources or accounts are involved." And "The company has identified the communication and utility Industries as initial target markets."

David R Lamm, "BANKS MUST STRIVE TO BE ELECTRONIC BILLING OWNERS, NOT MERELY AGENTS" Bank Systems & Technology. New York: Aug 1998. Vol. 35, Iss. 8; p. 48 (1 page) teaches; "By outsourcing e-billing, banks run the risk of facilitating the creation of de facto "master national clearinghouse" run by these payment consolidators, losing their pre-eminent role in the payment system" and

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"Banks will set the fees and will control the entire process. Moreover, when a transaction for the biller also involves the banks' own customer, the bank can provide guaranteed funds to the biller.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 703-308-0505.

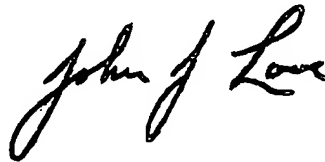
Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system, see <http://pair-direct.uspto.gov>. For help with PAIR call Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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Paul Bell
Art unit 3628
February 14, 2005



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